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FISCAL IMPACT REPORT

ORIGINAL DATE 1/19/07
 SPONSOR Campos LAST UPDATED 2/7/07 HB 40/aHJC
 SHORT TITLE Curry County Magistrate Districts & Elections SB _____
 ANALYST C. Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
 Administrative Office Of The Courts (AOC)

SUMMARY

Synopsis of HJC Amendment

On page 2, line 1, the amendment strikes the first “shall” and inserts in lieu thereof “may”.

Synopsis of Original Bill

House Bill 40 creates districts for magistrate courts in Curry County. Currently Curry County has two magistrates who are elected at large. House Bill 730 proposes to assign precincts to Curry County Magistrate District Divisions. The jurisdiction of both magistrates remains district-wide.

FISCAL IMPLICATIONS

The LFC is unaware of fiscal implications for the courts at this time. The Secretary of State did not respond regarding the effects of election costs.

SIGNIFICANT ISSUES

The divisions proposed are the same ones proposed in the settlement agreement presented for

approval in Chavez, et al. v. Vigil Giron, Civ. No. 05-579 RHS/RLP in the United States District Court for the District of New Mexico. (Settlement Agreement, Exhibit A). The Settlement Agreement has not been approved by the Federal Court. The LFC understands the case is to be set for trial at a later date.

According to the settlement agreement, the proposed minority majority district is 60% minority when all minorities are combined, 50.49% Hispanic, and 56.96% Hispanic and Black combined. (Settlement Agreement, p. 11)

A major difference between the settlement agreement and the bill is that the settlement agreement requires magistrates to live in their divisions whereas the bill does not.

The judiciary has taken no position on the bill.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The status quo will be maintained.

CS/mt:csd